

HB0366 FACT SHEET

Prepared by: Shirley E. Faust, Missoula County Clerk of District Court

- 1) All county elected officials work very hard and are committed to providing a level of service that meets and exceeds the expectations of their constituents. Therefore, equity in compensation is a reasonable expectation.
- 2) Under current law, in addition to the base salary established by the county compensation board, the elected officials listed below **MUST** receive additional compensation as follows:
  - \$2,000 annually      Each member of the board of county commissioners
  - \$2,000 annually      The county sheriff
  - \$ 400 annually      The county superintendent of schools (except if holds master of arts degree or master's degree in education **MAY** receive up to \$2,000 a year)
- 3) Under current law, in addition to the base salary established by the county compensation board, the elected officials listed **MAY** receive additional compensation up to:
  - \$2,000 annually      Clerk and recorder, if the election administrator
  - \$2,000 annually      County treasurer
- 4) The offices in the county courthouse which experience the highest volume of public traffic include:
  - Clerk and recorder
  - County treasurer
  - Clerk of district court
  - Justice of the peace
- 5) HB0366 provides for equal compensation for county elected officials by clarifying that, in addition to the board of county commissioners, county sheriff, county superintendent of schools, clerk and recorder and county treasurer, the elected officials listed below **MAY**, in addition to the base salary established by the county compensation board, receive additional compensation up to:
  - \$2,000 annually      Clerk of district court
  - \$2,000 annually      Justice of the peace

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HB0366 Testimony  
House Local Government  
Thursday, February 12, 2015

Mr. Chairman and members of the House Local Government Committee, for the record my name is Shirley Faust, F-A-U-S-T, and I am the Missoula County Clerk of District Court. I am also a member of the Montana Association of Clerks of District Court and a member of the Association's Legislative Committee.

I am here to today on behalf of the Montana Association of Clerks of District Court to testify in support of HB 366. And on behalf of the Association, I want to personally thank Representative Custer for sponsoring this bill! In the simplest of terms, HB 366 provides for equity in compensation for elected officials.

Let me first say that I feel very strongly that all of us, as county elected officials and public servants, are very committed to providing a level of service that meets and exceeds the expectations of our constituents. We all work very hard and as such, it would seem that equity in compensation is a reasonable expectation.

Under current statute, the base salary of all county elected officials is set annually by a county compensation board and the salaries must be uniform. There is also a mandatory provision for the board of county commissioners, county sheriff and in some instances, the county superintendent of schools, to receive an additional \$2,000 per year in compensation. If the county superintendent of schools does not hold a master of arts degree or a master's degree in education, the mandatory provision is for \$400 a

year rather than \$2,000. In addition, if the clerk and recorder is also the election administrator, there is a discretionary provision for the clerk and recorder to receive an additional salary of up to \$2,000 per year. This same discretionary provision is also available for the county treasurer. There is no such provision for the clerk of district court or justice of the peace and that is what HB 366 seeks to provide; a discretionary provision for an additional salary of up to \$2,000 per year for the clerk of district court and justice of the peace.

So let's identify and talk about the functions of the offices in the county courthouse which receive the heaviest use by public. Hands down, they would have to be

- The treasurer's office (to pay your taxes and license your vehicles)
- The clerk and recorder's office (to obtain a copy of a birth or death record, record a deed or mortgage, register to vote with the election administrator)
- The clerk of district court office (to obtain a marriage license, file for divorce, file a probate for a loved one who has passed away, file felony charges against an individual who has committed a felony offense, pay court ordered fines and fees, file a civil lawsuit, seek an order of protection, gladly appear for jury duty, and that list goes on)
- The justice of the peace (to appear for a traffic ticket issued by a sheriff's deputy or highway patrol officer, file misdemeanor charges against an individual who has committed a misdemeanor offense, seek an order of protection, pay court ordered fines and fees and again, gladly appear for jury duty.)

So of the treasurer, clerk and recorder, clerk of district court and justice of the peace, the four offices we've just identified as being the offices which receive the heaviest traffic from our constituents, current statute provides for the discretionary additional \$2,000 a year for only two of these offices, the treasurer and clerk and recorder. HB 366, therefore, seeks to now include the clerk of district court and justice of the peace in providing for this discretionary additional \$2,000 a year.

I want to stress that this additional compensation is discretionary for all four offices. It is not mandatory. The board of county commissioners and compensation boards, not statute, will decide if these four elected officials are to receive this additional compensation. But it is important for you to know that a number of clerks of district court have advised that in their respective counties, the board of county commissioners and compensation boards which currently provide the additional compensation for the county treasurer and clerk and recorder, have indicated that they would be happy to also provide the additional compensation for the clerk of district court and justice of the peace if statute would allow for the additional compensation. They are just not willing to provide the compensation without the statutory authority to do so.

In closing, I ask for a "do pass" vote from this committee and on the House floor. If I'm correct, statute provides for equal compensation for members of the House and Senate. Likewise, statute should provide for equal compensation for the elected officials of the four offices in the county courthouse which are visited most frequently by our constituents.